

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

UNITED STATES OF AMERICA,

Plaintiff,

v.

**LIMETREE BAY TERMINALS, LLC,
WEST INDIES PETROLEUM LTD.,
PORT HAMILTON REFINING &
TRANSPORTATION, LLLP,
TRANSITION REFINERY
ENTITY, LLLP,**

Defendants.

1:21-cv-00264-WAL-EAH

TO: Myles E. Flint, II, Esq.

For the United States

Carl A. Beckstedt, III, Esq.

Corinne V. Snow, Esq.

For Limetree Bay Terminals, LLC

Andrew C. Simpson, Esq.

For West Indies Petroleum Limited

& Port Hamilton Refining & Transportation, LLLP

ORDER DISCHARGING ORDER TO SHOW CAUSE

THIS MATTER came before the Court on the Order to Show Cause filed on March 22, 2023, ordering Plaintiff United States, to show cause why this matter should not be dismissed for failure to prosecute. Dkt. No. 40. In that Order, the Court pointed out that the United States had taken no action to advance this matter since Defendants West Indies Petroleum Limited (“WIPL”), Port Hamilton Refining and Transportation, LLLP (“PHRT”),

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and the Transition Refinery Entity LLC (“TRE”), were substituted for Defendant Limetree Bay Refining, LLC pursuant to Fed. R. Civ. P. 25(c) in November 2022.¹ *Id.*

The Order to Show Cause provided an April 5, 2023 deadline for the United States to respond. *Id.* The United States timely filed a Response, explaining that, now that substitution of the parties has been effected, its short-term goal was to have the new Defendants (WIPL, PHRT, and TRE) become parties to the Joint Stipulation as required by orders issued by the U.S. Bankruptcy Court for the Southern District of Texas in *In re: Limetree Bay Refining, LLC*, Case No. 21-32354, jointly administered with the lead case, *In re: Limetree Bay Services, LLC et al*, Case. No. 21-32351². Dkt. No. 42 at 1-2. The United States detailed its communications with the new Defendants with its goal of ensuring that they become parties to a Joint Stipulation prior to restarting the refinery located at Limetree Bay, St. Croix. It also noted a lack of responsiveness by certain Defendants to the First Amended Joint Stipulation that it had circulated. *Id.* at 6-7. The United States indicated that, if the parties were unable to reach agreement on the First Amended Joint Stipulation, it expected to seek a status conference and file a motion to enforce the requirements of the Bankruptcy Court’s December 2021 Sale Order (where WIPL and PHRT purchased substantially all of Limetree Bay Refining’s assets) within the next sixty days. *Id.* at 8.

¹ The Court also denied a motion for reconsideration of the substitution order, filed by PHRT and WIPL, in January 2023. Dkt. No. 39.

² The Response detailed the relevant background, and provided documents in support of the United States’s statements. Dkt. No. 42.

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The Court is satisfied with the United States' explanation and with counsel's timeline for moving this case forward.

Accordingly, it is now hereby **ORDERED** that the Order to Show Cause, Dkt. No. 40, is **DISCHARGED**.

ENTER:

Dated: April 6, 2023

/s/ Emile A. Henderson III
EMILE A. HENDERSON III
U.S. MAGISTRATE JUDGE